



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

February 27, 2015

Peter D. Robertson
The Pebble Partnership
1001 Pennsylvania Avenue NW
Suite 11101
Washington, D.C. 20004

Re: Freedom of Information Act Request EPA-R10-2014-002963 (*PLP v. EPA*, Case No. 3:14-cv-00199 HRH)

Dear Mr. Robertson:

On January 27, 2014, the Environmental Protection Agency (EPA or Agency) received a Freedom of Information Act (FOIA) request from Pebble Limited Partnership (PLP) seeking documents reflecting "any communication on the subject of (a) a mining project in Southwest Alaska commonly called the Pebble project or the Pebble Mine (Pebble Mine), (b) the Agency's Bristol Bay Assessment, or [(c)] any other matter connected to the Pebble Mine," between certain named EPA personnel and specified individuals or entities. FOIA Request at 1. EPA issued interim responses in April, May, June, and July of 2014, and a final production of documents on August 11, 2014.

On October 14, 2014, PLP filed suit against EPA in the United States District Court, District of Alaska over the Agency's response to this FOIA request. On December 18, 2014, EPA notified PLP of an identified technical issue with the portion of the search conducted for emails from the Agency's new Microsoft Outlook email system that would require a supplemental search to ensure complete results. The parties agreed that EPA would complete its supplemental production on or before February 27, 2015. Through this letter, EPA is completing its supplemental production of responsive email documents from its supplemental search of the Agency's Microsoft Outlook email system. Copies of releasable responsive records from this supplemental search are being provided with this letter (Attachment A.1), as well as an index of documents that are being withheld in full under a specified exemption, (Attachment A.2).

Additionally, the parties agreed that PLP would identify the particular redactions it is contesting. On January 28, 2015, PLP identified 15 partially redacted documents from EPA's initial response. EPA has reviewed these documents and is releasing additional portions of 13 of the identified documents. In some instances, EPA continues to withhold portions of the identified documents under an appropriate exemption; however, we are providing PLP with the identity of the sender or recipient of each document. (Attachment B).

In the interest of reducing the number of issues in litigation, the Agency re-reviewed the documents that were withheld in full at the time of the Agency's initial response and evaluated these documents for additional discretionary release. EPA is providing a revised version of the original index of documents

that are being withheld in full (Attachment C.2) and releasing all or portions of the remaining documents that have not already been released to you (Attachment C.1). This revised index also corrects errors that were present in the original index, such as the inclusion of duplicates.

EPA also took this opportunity to re-review the initial response to PLP's January 27, 2014, FOIA request. As a result of this review, EPA identified a small subset of documents from the Agency's initial search that were inadvertently not exported from the processing database for production, even though the documents had been located and reviewed prior to the final response. EPA has identified approximately 80 such documents that have not otherwise been provided to you in response to this FOIA request, to your other FOIA requests, or were not included on our initial log of withheld documents. Of this set, EPA is providing an index of 16 documents that are being withheld in full (Attachment D.2) and releasing all or portions of the remaining documents (Attachment D.1).

As you are aware, the Agency has recovered additional Phil North documents and, at your request, is prioritizing these documents as part of the Agency's response to your separate FOIA request EPA-R10-2014-007609, which is not at issue in this litigation. Any of these documents that are responsive to this FOIA request, EPA-R10-2014-002963, have already been produced to you via EPA-R10-2014-007609.

Please contact Stuart Robinson of the Department of Justice, at stuart.j.robinson@usdoj.gov, if you have any questions concerning the documents being provided to you today.

Sincerely,

For

A handwritten signature in blue ink, appearing to read "D. Allnutt", written over a horizontal line.

David Allnutt, Director
Office of Ecosystems, Tribal and Public Affairs